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EXAMINER

SCHUBERT, KEVIN R

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2137

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

17

**Office Action Summary**

Application No.

09/650,867

Applicant(s)

HASELL ET AL.

Examiner

Kevin Schubert

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 3-11, 16-18 and 62-111 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-11, 16-18 and 62-111 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

Claims 3-11,16,18, and 62-111 have been considered. All claims are rejected. All independent claims have been rejected on three separate prior art grounds. The examiner notes that a vast amount of prior art, which has not been applied for the sake of brevity, meets the limitations of the applicant's newly presented claims.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3-11,16,18, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims all have improper dependencies.

Claims 105-111 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the applicant intended part a of claim 105 to mean that the first communication device is located in a first network and the network is operated by a first provider and the second communication device is operated by a second provider, or, as believed by the examiner and as is consistent with claim 87 and the Specification, that the first communication device is located in a first network and the first network is operated by a first provider and the second communication device is located in a second network and the second network is operated by a second provider. Appropriate correction or clarification is required.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- 5 (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10 Claims 3-5,7-9,16,62-63,65-68,72,74-75,77-78,80-83,86-89,95,98,101-102,104-109, and 111, are rejected under 35 U.S.C. 102(b) as being anticipated by the applicant's admitted prior art (AAPA).

As per claims 63,78,87, and 105, the applicant discloses a method for providing connectivity between a first communication device and a second communication device comprising the following limitations which are met by AAPA:

- 15 a) receiving a specification from the first communication device, the specification comprising at least one predefined identifier of the second communication device (AAPA: Specification page 6, line 26 to page 7, line 9, Fig 1);

b) receiving, from the first communication device, a request to establish connectivity between the first and the second communication device (AAPA: Specification page 6, line 26 to page 7, line 9, Fig 1);

- 20 c) associating the predefined identifier with the second communication device (AAPA: Specification page 6, line 26 to page 7, line 9, Fig 1);

d) configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier (AAPA: Specification page 6, line 26 to page 7, line 9, Fig 1).

25

As per claims 3-5,7-9,16,62,65-68,72,74-75,77,80-83,86,88-89,95,98,101-102,104,106-109, and 111, the applicant describes the limitations of claims 63,78,87, and 105, which are met by AAPA, with the following limitations which are also met by AAPA:

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Wherein the first communication device is located in a first network operated by a first provider, and the second communication device is located in a second network operated by a second provider different from the first provider (AAPA: Specification page 6, line 26 to page 7, line 9; Fig 1).

5 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States  
10 only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 3,5,10-11,16,18,62-64,69,75-76,78-79,84,87,90-92,96,97,99,102-103,105, and 109-110  
15 are rejected under 35 U.S.C. 102(e) as being anticipated by Hassell, U.S. Patent No. 6,625,114.

As per claims 63,78,87, and 105, the applicant discloses a method for providing connectivity between a first communication device and a second communication device comprising the following limitations which are met by Hassell:

- 20 a) receiving a specification from the first communication device, the specification comprising at least one predefined identifier of the second communication device (Hassell: Col 8, lines 56-60);
- b) receiving, from the first communication device, a request to establish connectivity between the first and the second communication device (Hassell: Col 8, lines 56-60);
- c) associating the predefined identifier with the second communication device (Hassell: Col 9,  
25 lines 56-59);
- d) configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier (Hassell: Col 9, lines 6-15; Col 10, lines 38-40).

The examiner respectfully notes that substantially the same claim was rejected in the non-final  
30 action mailed 11/29/04 (see page 5). The purpose of the applicant's amendments filed 3/3/05 (which have now been taken out) were for the purpose of overcoming such rejection.

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As per claims 3 and 5, the applicant describes the method of claim 62, which is met by Hassell, with the following limitation which is also met by Hassell:

Wherein said step of establishing connectivity configuring further includes the step of at least one  
5 switch such that a plurality of physical links associated with a plurality of data link connection identifiers (DCLIs) are coupled together (Col 4, lines 39-42).

As per claims 10-11,62,64,69,76,79,84,90-92,96,97,99,103, and 110, the applicant describes the method of claims 63,78,87, and 105, which are met by Hassell, with the following limitations which are  
10 also met by Hassell:

Wherein the predefined identifier is a circuit ID, and the circuit ID is associated with an IP address previously assigned to the second communication device (Col 8, lines 36-41).

As per claims 16, the applicant describes the method of claim 62, which is met by Hassell, with  
15 the following limitation which is also met by Hassell:

Further including verifying a right to access and the steps of specifying and establishing are implemented only after the right to access is verified (Col 7, lines 61-67).

As per claim 18, the applicant describes the method of claim 62, which is met by Hassell, with the  
20 following limitation which is also met by Hassell:

Further including monitoring activity between said first communication device and said second communication device, and further including terminating connectivity after a predefined period of no activity (Col 6, lines 38-43).

25 As per claims 75,102, and 109, the applicant describes the method of claim 63, which is met by Hassell, with the following limitation which is also met by Hassell:

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Wherein a portion of the access provider communication network is an asynchronous transfer mode (ATM) network (Col 10, lines 58-60).

Claims 10,11,62-63,69,76,78, and 84 are rejected under 35 U.S.C. 102(e) as being anticipated by  
5 Dinh, U.S. Patent No. 6,434,615.

As per claims 63 and 78 the applicant discloses a method for providing connectivity between a first communication device and a second communication device comprising the following limitations which are met by Dinh:

- 10 a) receiving a specification from the first communication device, the specification comprising at least one predefined identifier of the second communication device (Dinh: Col 6, lines 4-16);
- b) receiving, from the first communication device, a request to establish connectivity between the first and the second communication device (Dinh: Col 6, lines 4-16);
- 15 c) associating the predefined identifier with the second communication device (Dinh: Col 6, lines 4-16);
- d) configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier (Dinh: Col 6, lines 4-16).

As per claims 10,11,62,69,76, and 84, the applicant has described the method of claims 63 and  
20 78, which are met by Dinh, with the following limitation which is also met by Dinh:

Wherein the predefined identifier is a circuit ID, and the circuit ID is associated with an IP address previously assigned to the second communication device (Dinh: Col 6, lines 4-17).

***Claim Rejections - 35 USC § 103***

25 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 64-68, 72, 74-75, 77, 79-83, and 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of AAPA.

As per claims 64 and 79, the applicant describes the method of claim 63 and 78, which is met by Dinh, with the following limitation which is met by AAPA:

Wherein the predefined identifier is an IP address and the predefined communication channel is a VC (AAPA: Specification page 2, Fig 1);

Dinh discloses all the limitations of the independent claim. Dinh does not disclose that the predefined communication channel is a VC. The applicant admits in the prior art that it is common and well-known in the art to have VC communication channels for efficiency and bandwidth purposes. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of AAPA with those of Dinh because using VC communication channels is well-known for efficiency and bandwidth purposes.

As per claims 65-68 and 80-83, the applicant describes the method of claims 63 and 78, which are met by Dinh, with the following limitation which is met by AAPA:

Wherein the first communication device is located in a first network operated by a first provider, and the second communication device is located in a second network operated by a second provider different from the first provider (AAPA: Fig 1).

As per claims 72 and 86, the applicant describes the method of claims 63 and 78, which are met by Dinh, with the following limitation which is met by AAPA:



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Further comprising the step of verifying the request before the configuring step (AAPA: Specification page 7).

As per claims 74,75, and 77, the applicant describes the method of claim 63, which is met by

5 Dinh, with the following limitation which is met by AAPA:

Wherein a portion of the access provider communication network is a frame relay network (Specification: page 2).

Claims 87,103,105, and 110 are rejected under 35 U.S.C. 103(a) as being unpatentable over

10 Dinh in view of Doyle (Doyle, Casey D. Microsoft Press Computer Dictionary. 1994. Second Edition. page 182).

As per claims 87 and 105, the applicant describes a method for providing connectivity between a first communication device and a second communication comprising the following limitations which are  
15 met by Dinh in view of Doyle:

a) receiving a specification from the first communication device over a first communication channel, the specification comprising at least one predefined identifier of the second communication device (Dinh: Col 6, lines 4-16);

b) receiving, from the first communication device, a request to establish connectivity between the  
20 first and second communication device (Dinh: Col 6, lines 4-16);

c) associating the predefined identifier with a predefined second communication channel to the second communication device (Dinh: Col 6, lines 4-16);

d) coupling the first communication channel to the second communication channel to establish connectivity between the first communication device and the second communication device, the first  
25 communication device located in a first network operated by a first provider, and the second communication device located in a second network operated by a second provider different than the first provider (Dinh: Col 6, lines 4-16; Doyle: page 182);

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Dinh discloses all the limitations of the above claim except for the limitation of establishing a connection between a first communication device in a first network and a second communication device in a second network. Doyle discloses the well-known idea that a gateway establishes connection between a first communication device in a first network and a second communication device in a second network. Combining the ideas of Doyle with those of Dinh allows the communication server to act as a gateway between two networks. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Doyle with those of Dinh because doing so makes the system more robust by allowing for communication of data between two devices located in different networks.

As per claims 103 and 110, the applicant describes the method of claims 87 and 105, which are met by Dinh in view of Doyle, with the following limitation which is met by Dinh:

Wherein a portion of the second network is an internet protocol (IP) network (Dinh: Col 6, lines 4-17).

Claims 88-92, 95-99, 101-102, 104, 106-109, and 111 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Doyle in further view of AAPA.

As per claim 97, the applicant describes the method of claim 87, which is met by Dinh in view of Doyle, with the following limitation which is met by AAPA:

Wherein the predefined identifier is an IP address and the predefined communication channel is a VC (AAPA: Specification page 2, Fig 1);

Dinh in view of Doyle disclose all the limitations of the independent claim. Dinh in view of Doyle do not disclose that the predefined communication channel is a VC. The applicant admits in the prior art that it is common and well-known in the art to have VC communication channels for efficiency and bandwidth purposes. It would have been obvious to one of ordinary skill in the art at the time the

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invention was filed to combine the ideas of AAPA with those of Dinh in view of Doyle because using VC communication channels is well-known for efficiency and bandwidth purposes.

As per claims 88-89,98, and 106-107, the applicant describes the method of claims 87 and 105,  
5 which are met by Dinh in view of Doyle, with the following limitation which is met by AAPA:

wherien the first provider is a network service provider and the second provider is an access network provider (Fig 1).

As per claims 90-92,96, and 99, the applicant describes the method of claims 87 and 105, which  
10 are met by Dinh in view of Doyle, with the following limitations which are met by Dinh:

Wherein the predefined identifier is a circuit ID, and the circuit ID is associated with an IP address previously assigned to the second communication device (Col 6, lines 4-17).

As per claim 95, the applicant describes the method of claim 87, which is met by Dinh, with the  
15 following limitation which is met by AAPA:

Further comprising the step of verifying the request before the configuring step (Specification: page 7).

As per claims 101-102,104,108-109, and 111, the applicant describes the method of claims 87  
20 and 105, which are met by Dinh in view of Doyle, with the following limitation which is met by AAPA:

Wherein a portion of the access provider communication network is a frame relay network (Specification: page 2).

Claims 70,71, and 85 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in  
25 view of Montenegro (Montenegro, G; Gupta, V. RFC 2356- Sun's SKIP Firewall Traversal for Mobile IP. June 1998. page 4).

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As per claims 70-71 and 85, the applicant describes the method of claims 63 and 78, which are met by Dinh, with the following limitation which is met by Dinh and Montenegro:

a) at the network service provider, assigning a permanent IP address to the second communication device (Dinh: Col 6, lines 4-17; Montenegro: page 4);

5           b) associating the circuit ID with the assigned IP address (Dinh: Col 6, lines 4-17; Montenegro: page 4);

Dinh discloses all the limitations of independent claims 63 and 78. However, Dinh does not disclose assigning a *permanent* IP address. Montenegro discloses the idea of assigning permanent or temporary IP addresses depending on the needs of the system. It would have been obvious to one of  
10           ordinary skill in the art at the time the invention was filed to combine the ideas of Montenegro with those of Dinh and assign permanent IP addresses in a system more apt to utilize permanent IP addressing.

Claims 18 and 73 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Dowling, U.S. Patent No. 6,574,239.

15

As per claims 18 and 73, the applicant describes the method of claim 63, which is met by Dinh, with the following limitations which are met by Dowling:

a) monitoring activity between the first communications device and the second communications device (Dowling: Col 13, lines 21-25);

20           b) terminating connectivity between the first communications device and the second communications device after a predefined period of no activity (Dowling: Col 13, lines 21-25);

Dinh discloses all the limitations of claim 63. However, Dinh does not disclose terminating a connection after a predefined period of no activity. Dowling discloses this limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of  
25           Dowling with those of Dinh because terminating a connection after a predefined period of no activity ensures that system resources are not wasted by a stale connection.

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Claims 93 and 100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Doyle in further view of Montenegro (Montenegro, G; Gupta, V. RFC 2356- Sun's SKIP Firewall Traversal for Mobile IP. June 1998. page 4).

5           As per claims 93 and 100, the applicant describes the method of claim 87, which is met by Dinh in view of Doyle, with the following limitation which is met by Dinh and Montenegro:

a) at the network service provider, assigning a permanent IP address to the second communication device (Dinh: Col 6, lines 4-17; Montenegro: page 4);

10           b) associating the circuit ID with the assigned IP address (Dinh: Col 6, lines 4-17; Montenegro: page 4);

Dinh in view of Doyle discloses all the limitations of independent claim 63. However, Dinh in view of Doyle does not disclose assigning a *permanent* IP address. Montenegro discloses the idea of assigning permanent or temporary IP addresses depending on the needs of the system. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Montenegro with those of Dinh in view of Doyle and assign permanent IP addresses in a system more apt to utilize permanent IP addressing.

Claim 94 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinh in view of Doyle in further view of Dowling, U.S. Patent No. 6,574,239.

20           As per claims 94, the applicant describes the method of claim 87, which is met by Dinh in view of Doyle, with the following limitations which are met by Dowling:

a) monitoring activity between the first communications device and the second communications device (Dowling: Col 13, lines 21-25);

25           b) terminating connectivity between the first communications device and the second communications device after a predefined period of no activity (Dowling: Col 13, lines 21-25);

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Dinh in view of Doyle discloses all the limitations of claim 63. However, Dinh in view of Doyle does not disclose terminating a connection after a predefined period of no activity. Dowling discloses this limitation. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to combine the ideas of Dowling with those of Dinh in view of Doyle because terminating a connection after a predefined period of no activity ensures that system resources are not wasted by a stale connection.

### ***Response to Arguments***

Applicant's arguments filed 9/15/05 with respect to claims 10 and 11 have been fully considered but they are not persuasive. The applicant argues that Dinh does not meet the limitations of the claims. The examiner disagrees but first notes his confusion as to the dependency of the claim. See 112 rejection. Regarding claim 10, Dinh discloses a system in which a first communication device uses a first IP address of a second communication device to communicate troubleshooting data. The second communication device clearly has an assigned IP address. Regarding claim 11, Dinh also discloses associating a second IP address with a first IP address as communication between the first and second devices takes place.

Applicant's arguments with respect to claim 3 have been fully considered but are not persuasive. The applicant argues that AAPA does not meet the limitations of the claim. The examiner disagrees. The applicant's admitted prior art clearly and explicitly teaches the limitations of a plurality of physical links associated with a plurality of data link connection identifiers (DCLIs) being coupled together. The examiner points the applicant to the lines 3-25 of page 6 of the Specification.

Applicant's arguments with respect to claim 4 have been fully considered but are not persuasive. The applicant argues that AAPA does not meet the limitations of the claim. The use of a DSLAM in connection with communication devices is well-known in the prior art and has been cited in the applicant's instant application. The examiner was well aware that page 17 is the detailed description, not the

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background of the invention. However, the applicant has cited block 52, corresponds to both Figs 1 (prior art) and 2, as a DSLAM.

Applicant's arguments with respect to claim 7 have been fully considered but are not persuasive.

5 The applicant argues motivation. Substantially, the applicant argues that it would not be obvious to coordinate a connection between two separate networks. The examiner disagrees. The coordination of a connection between two separate networks is practical and useful because it makes a system more robust by providing more opportunity for communication.

10 Applicant's arguments with respect to claims 62-115 fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

### ***Conclusion***

15 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date  
20 of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

25 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Schubert whose telephone number is (571) 272-4239. The examiner can normally be reached on M-F 7:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KS

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER